

R. Tamilmani

Vs

Union of India and another

Civil Appeal No.3145 of 1991

(CJI M. H. Kania, R. M. Sahai, G. N. Ray JJ)

26.02.1992

JUDGEMENT

KANIA, C. J. I.:-

1. This appeal arises out of an order of a Bench of Central Administrative Tribunal, Madras, dismissing an application filed by the appellant herein. The prayer in the application was to consider and appoint the appellant to the Indian Administrative Service (hereinafter referred to as 'IAS') for the year 1990. It appears that for the year 1990 the appellant was one of the five candidates called for interview for selection to the I.A.S. from among the Non-State Civil Service Officers in the State of Tamil Nadu. It seems to be common ground that under the Indian Administrative Service (Appointment by Selection) Regulations, 1956, read with similar Regulations, namely, Indian Administrative Service (Appointment by Promotion) Regulations, 1955 persons not belonging to the State Civil Service, who are of outstanding merit and ability and who have completed not less than eight years of service, can be considered for appointment to the I.A.S. by selection. In the case of the appellant the Selection Committee interviewed the appellant along with four other candidates recommending their names to the Union Public Service Commission for approval. In this rating process three of the members of the Select committee rated the appellant as "outstanding" whereas the other two members rated him as "very good". By curious process of logic, which we find a little difficult to understand, the Selection Committee declined to recommend his name for consideration on the ground that there was no consensus regarding his ability.

2. In our view it is clear that if out of five committee members three ranked the appellant as 'outstanding' and two as 'very good', the result would be that there was definitely consensus that he was at least "very good" and in fact a little better. Therefore, in our opinion, there was no reason why his case could not have been put up for consideration by the Union Public Service Commission. The Central Administrative Tribunal, with respect, was in error in dismissing the application of the appellant as it did. We direct the case of the appellant to be put up for consideration by the Union Public Service Commission for appointment in the vacancy of 1990 on the footing of the consensus as we have set out earlier.

3. The appeal is allowed as aforesaid. There will, however, be no order as to costs.

Appeal allowed.

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